

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 704, FOOD AND DRUGS ACT.

MISBRANDING OF CHEESES.

On or about September 23, 1910, Crosby & Meyers, Chicago, Ill., shipped from the State of Illinois to the State of Alabama ninety-five cheeses contained in boxes, each of which boxes was branded "Rufus Sanders—Vandiver Grocery Co., Montgomery, Alabama—N. 7-467—Striped Cheese is surely full cream. Others may be;" one of said boxes having the number "19" marked on the side of the box to indicate that it contained 19 pounds of cheese; seven of said boxes having the number "20" so marked to indicate that said boxes each contained 20 pounds of cheese; twenty-seven of said boxes having the number "21" so marked to indicate that the said boxes each contained 21 pounds of cheese; thirty-five of said boxes having the number "22" so marked to indicate that the said boxes each contained 22 pounds of cheese; twenty of said boxes having the number "23" so marked to indicate that the said boxes each contained 23 pounds of cheese; and five of said boxes having the number "24" so marked to indicate that said boxes each contained 24 pounds of cheese.

Examinations of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Alabama.

In due course a libel was filed in the District Court of the United States for said district against the said ninety-five boxes of cheese, charging the above shipment and alleging that the product so shipped was misbranded in that the weights of said cheeses were not plainly and correctly stated on the outside of said boxes, said cheeses being short in weight in the entire lot in the amount of 108 pounds and 7 ounces, to wit, the contents of one of said boxes falling short 5 ounces of the weight indicated by the figures marked on the side of said box; the contents of one of said boxes falling

short 6 ounces; the contents of three of said boxes each falling short 8 ounces; the contents of four of said boxes each falling short 9 ounces; the contents of three of said boxes each falling short 10 ounces; the contents of two of said boxes each falling short 11 ounces; the contents of four of said boxes each falling short 12 ounces; the contents of five of said boxes each falling short 13 ounces; the contents of three of said boxes each falling short 14 ounces; the contents of seven of said boxes each falling short 15 ounces; the contents of six of said boxes each falling short 1 pound; the contents of three of said boxes each falling short 1 pound and 1 ounce; the contents of two of said boxes each falling short 1 pound and 2 ounces; the contents of nine of said boxes each falling short 1 pound and 3 ounces; the contents of seven of said boxes each falling short 1 pound and 4 ounces; the contents of six of said boxes each falling short 1 pound and 5 ounces; the contents of four of said boxes each falling short 1 pound and 6 ounces; the contents of one of said boxes falling short 1 pound and 7 ounces; the contents of one of said boxes falling short 1 pound and 8 ounces; the contents of four of said boxes each falling short 1 pound and 9 ounces; the contents of five of said boxes each falling short 1 pound and 10 ounces; the contents of three of said boxes each falling short 1 pound and 11 ounces; the contents of six of said boxes each falling short 1 pound and 12 ounces; the contents of three of said boxes each falling short 1 pound and 13 ounces; and the contents of one of said boxes falling short 1 pound and 15 ounces; and praying seizure, condemnation, and forfeiture of the product.

Thereupon the above-mentioned Crosby & Meyers entered their appearance and filed a claim to the ownership of the said boxes of cheese, and the case coming on for hearing, the court, being fully informed in the premises, issued its decree finding the said boxes of cheese to be misbranded as to the statement of weights branded thereon, and condemning the product. It appearing to the court, however, that the costs in these proceedings had been paid and a good and sufficient bond filed by said claimants conditioned that the said ninety-five boxes of cheese should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906, it was ordered that the marshal of said district release the said boxes of cheese and restore the same to said claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*